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American Airlines®

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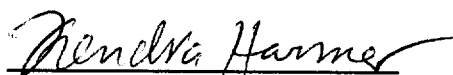
DEPT. OF TRANSPORTATION
PROJECTS
02 DEC 23 AM 11:36

Re: Incidents Involving Animals (FAA-2002-13378) - 2441

Dear Mr. Whitlow:

On behalf of American Airlines, Inc., enclosed are comments in response to the notice of proposed rulemaking on reports by carriers on incidents involving animals during air transport, 67 Fed. Reg. 61237, September 27, 2002.

Respectfully submitted,



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Response to NPRM - FAA 2002-13378

DEPT. OF TRANSPORTATION
DOCKETS

02 DEC 23 AM 11:36

As part of NPRM Docket No. FAA-2002-13378; Notice 02-14 comments were requested in the following areas:

Evaluate whether the proposed information requirement is necessary for proper implementation of Section 710 of AIR-21.

The AVMA has developed a definition of animal and reportable incident that is consistent with the language and the intent of AIR-21. Below are the definitions we would like to see amended in the rule.

Animal or Pet: Animal or pet shall be defined in this report as either a live dog or cat.

Reportable incident: A reportable incident is the death, injury or escape of an animal while in the physical custody of the carrier which, after investigation, is proven to be the result of a preventable action by the carrier.

Non-reportable incident: A non-reportable incident may include but is not limited to:

- Sedation, tranquilization or medication of the animal
- Death, injury or escape of the animal as a result of the animal's own actions
- Death, injury or escape of the animal after the animal has been released to the consignee or is otherwise not in physical custody of the carrier
- Known or unknown illness or other physical or mental condition of the animal
- An unknown defect in the animal container that was not apparent to the shipper or carrier at the time of acceptance.

This document was presented to Mr. James Whitlow on September 26, 2002. The ATA and member carriers were of the understanding that FAA would consider the AVMA findings prior to developing a NPRM relating to animal transport and reporting of incidents.

Utilizing the NPRM definition of an animal, "any warm or cold blooded animal which, at the time of transportation, is being kept as a pet in a family household in the U.S. or is being transported for the purpose of being sold as a pet..." would place an undue hardship on the transporting carrier and the carrier's

customers. An air carrier would have to ascertain if all animals that met this definition are alive, uninjured and accounted for both at acceptance and delivery. This could only be accomplished by a physical inspection of the animals and their containers.

Evaluate the accuracy of the agency's estimate of the burden

This proposed rule cannot be justified under Executive Order 12866, as the actual number of reportable incidents does not justify the expense of the process.

When there is a death, injury or loss of an animal the customer files a claim with the carrier. An ATA survey of member carriers for the period October 1, 1998 - September 30, 1999 produced a total of 30 claims for baggage and cargo filed involving animal loss, injury or death.

Additionally, the proposed rule cannot be implemented without conflicting with the USDA Animal Welfare Act 2.131(a)(1) which states: "Handling of all animals shall be done as expeditiously as possible in a manner that does not cause trauma, overheating, excessive cooling or unnecessary discomfort."

Establishing the quantity and life status of dogs and cats is relatively easy as they are shipped individually or in pairs. Establishing the quantity and life status of animals shipped in bulk (live tropical fish, reptiles, amphibians, birds, small mammals, etc.) would require the container to be opened to verify the number of animals present and their life status at both origin and destination.

The actual practice of counting these animals would be a time consuming task, at a cost that we would have to pass directly back to the animal shipper. Additionally, some animals carry diseases that could be transmitted to humans through handling or otherwise coming into direct contact with the animals. The examination and inventory of these animals would require airline personnel to wear protective clothing, gloves and facemasks and to receive additional training on health risks if these protocols are not followed.

In some cases, opening the containers to count the animals would be more detrimental to the welfare of the animals than the normal rigors of transportation especially if these animals are traveling with devices to maintain a narrow temperature range (heat or cooling packs).

In order to comply with the NPRM, and verify that no animals have been lost, injured or died in transport, carriers would have to provide an escape proof,

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temperature controlled room in which to count the animals and to ascertain they are in fact alive and accounted for at acceptance and upon pick-up by the customer. Depending on the animal, disinfecting of the room will be necessary after some shipments. This would also slow the processing of animal shipments and attach undetermined additional handling costs that would also be borne by the shipper.

New protective clothing would have to be provided for each shipment so as to prevent cross contamination, especially with birds and small mammals.

Using an estimate of the number of animals shipped containing "animals" as defined in the NPRM, an additional processing time of 2 hours per shipment (counting animals, verifying animals alive, record keeping) plus protective clothing the projected annual minimum first year cost to American Airlines would be \$1,844,313. Surely the FAA did not wish to place a financial burden of this magnitude on air carriers or our customers, as these costs would have to be passed directly on to the shipper.

Based on a potential 18,000 shipments that meet the NPRM criteria:

Description	Quantity	Unit Cost	Total \$
IT Expenditures	UNK	UNK	UNK
Inspection room	92	7,500	690,000
Inspection hours (1.5 hr)	27,000	27.52	743,040
Record Keeping (.5 hr)	9,000	27.52	247,680
Jump suits (disposable)	18,000	4.46	80,280
Respirator (disposable)	18,000	1.00	18,000
Gloves (disposable)	18,000	0.42	7,560
Face Shields	270	5.97	1,612
Additional Training hours	2,040	27.52	56,141
Projected First Year Cost of Inspection & Record Keeping - Animals shipped as Cargo			\$1,844,313

NOTE: These estimates are exclusive of animals that may be tendered as checked baggage. One hundred percent of animals traveling as checked baggage would be covered by the NPRM. Ascertaining the number of animals that travel as checked baggage would require a substantial IT investment. Currently checked and carry-on pet transactions are recorded in the same data field.

Enhance the quality, utility and clarity of the information to be collected.

The Air Travel Consumer Report is based on a ratio of mishaps versus a known quantity. Reporting an aggregate number of animals lost, injured or dead would be meaningless, as there is no means to develop a ratio against the total number of animals carried. Some carriers handle a large amount of animals, statistically one reportable incident would be a very small percentage of animals carried while one reportable incident on another carrier could be statistically significant.

Currently air carriers do not maintain records on the number of animals in a shipment. The design and implementation of such a tracking system would be cost prohibitive.

Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology.

As noted previously, following the requirements of the NPRM to report on all animals that are household pets or intended for sale as household pets would place a great financial burden on air carriers and our customers. While the actual number of incidents reported would be statistically insignificant, the means necessary to gather reportable information comes with a high price tag.

An additional undetermined financial burden would be placed on air carriers based on the reporting system developed. The costs of IT development and implementation are unknown until such time as actual reporting decisions are made.

The request of information about the shipper/owner is of concern due to invasion of privacy. The information required to be included should be relevant and limited to carrier, flight, date, time, and brief description.

Additional air carrier concerns:

Employees who would be required to perform the physical verification of animals in a shipment have raised a number of questions as follows:

If an employee is attacked or injured by an animal during the inspection process where does the liability lie?

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Air carriers do not have trained, licensed veterinarians on staff, how does one determine if an animal is injured, especially if the injury is not obvious?

At certain temperatures, some cold-blooded animals go into a dormant state that resembles death. Who will make the determination that these animals are in fact dead or alive?

Should an animal escape, be injured or die as the direct result of complying with this rule is the full burden of the loss, injury or death on the air carrier?

There is reluctance of some labor unions to have their members perform animal inspections or to come into direct contact with certain species.